

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARY C. WOODS,

Plaintiff,

v.

CIVIL ACTION NO. 2:05-0239

JOANNE BARNHART,
Commissioner of Social Security,

Defendant.

ORDER

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant in part and deny in part Plaintiff's Motion for Summary Judgment as outlined in the Magistrate Judge's Proposed Findings and Recommendation, deny the defendant's Motion for Judgment on the Pleadings, reverse the final decision of the Commissioner, and remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and dismiss this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** in part and **DENIES** in part Plaintiff's Motion for Summary Judgment as outlined in the Magistrate Judge's Proposed Findings and Recommendation, **DENIES** the defendant's Motion for Judgment on the Pleadings, **REVERSES** the final decision of the

Commissioner, and **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and **DISMISSES** this matter from the Court's docket consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: February 16, 2006

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE